REMARKS

In the Office Action dated August 10, 2007, the Examiner maintains on final the rejection of claims 1, 3-8, 10-16 and 21-25, which are all of the pending claims, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,209,787 (Lida).

In their January 10, 2007, Response Under 37 CFR 1.111, applicants distinguished Lida in that Lida does not show or suggest using recognition data, as described in independent claims 1, 3, 10 and 13. The invention utilizes the recognition data to help determine the charge for the use of content or object data.

In the "Response to Arguments" presented at paragraphs 2-5 of the outstanding final Office Action, the Examiner explains that the rejection of claims 1, 3-8, 10-16 and 21-25 is maintained in view of applicants' argument that Lida does not teach, disclose or suggest charging data for paying for object data, or recognition data for identifying the type of object data. That is, the Examiner disagrees, and directs Applicants' attention to Lida' col. 11, lines 41-48. The Lida text states that by Lida, it could be constituted such that a voice recognition method can be adapted for the entry of (h) a portion of a melody that a customer sings, which singing is captured and recognized using Lida's recognition method. The Lida text indicates that it could be constituted such that the recognized melody is converted to the score corresponding to the song sang by the customer for recognition by the Lida recognition method. The recognized singing is converted to a converted score, which converted score is then displayed on a monitor.

The Examiner further asserts that the type of data object, or score to be recorded is recognized thereby, and that it is obvious and predictable that the singing data (recognized by Lida' recognition method) is the functional equivalent of applicants' recognition data.

Applicants respectfully disagree with the Examiner for at least the following reasons. As explained in detail in the present application, the instant invention relates to a system and method for charging users for copying or using digital data. In a preferred embodiment, a server machine generates digital data content that is delivered to a client machine. This content may be of several types, such as audio, video, static image, or text; and the content may be delivered to the client machine in various ways, such as over a network, or by a data recording medium. In addition, the server writes "electronic money" into an IC card that can be used to pay for the use of the generated content by the client machine. The client machine then uses the delivered digital data content, and the IC card is used to pay for the use of that data.

The IC card is also provided with data, referred to as recognition data, that helps to identify the type of the digital data used by the client machine. The recognition data is used to help determine how much the user should be charged for use of the data. Charging or payment information, and recognition data is written into the IC card. Preferably, both the content sent to the client machine and the IC card is provided with this recognition data. In this way, the recognition data is used by the client machine to identify the type of data the object data is, and also the recognition data from the IC card can be used in the payment process.

Each of independent claims 1, 2, 3, 10 and 13 describes this feature of the present invention, and readily distinguishable from Lida under 35 USC § 103(a). In particular, each of the independent claims calls out the features that an IC card includes this recognition data, and

that the recognition data are used to identify <u>and determine</u> the charge for the object data sent to the client machine.

Lida is readily distinguishable from the present invention as claimed. Lida discloses a system for purchasing a personal recording media including a first entering unit for entering an identification information in order to identify a customer, and a unit connected to the first entering unit for identifying whether or not the customer is an authorized customer based on the entered identification information. Lida's system further includes a second entering unit connected to the identifying unit for entering a least one designated information by the customer when the customer is identified as an authorized customer in accordance with the identifying unit, a unit for storing a plurality of information, a unit connected to the second entering unit and the information storing unit for reading information associated with the designated information by retrieving the plurality of information in the information storing unit based on the designated information entered by the second entering unit, and a unit connected to the information reading unit for recording the information read from the information storing unit into a predetermined recording media.

Lida does not make use of, suggest or even mention using recognition data as set forth in applicants' claims. For that matter, applicants respectfully disagree with the Examiner's statement that Lida at col. 2, lines 20-40, discloses an IC card including a recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data. Lida's col. 2, lines 40-50 finds that Lida merely discloses a method for purchasing a personal recording media for collecting royalties regarding music in the recording media when purchases an "original compilation recording media." Lida's col. 2, lines

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40-50, does not refer a recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data.

While applicants agree that Lida conducts a recognition method, whereby the method recognizes an object (musical score) that the user has sung, or hums, and the Lida method of operation recognizes, the Lida recognition method is not the same or equivalent to a recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data.

Voice singing, or other data presented orally to a Lida machine interface may allow for Lida to recognize a score, or object, but this is not the equivalent of applicant's claimed IC card and recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data. recording medium. Lida's user singing data is not an IC card; it is not a recording medium. For that matter, the singing data might lead to an ability for recognizing a score related to the singing, but again, this is readily distinguishable from recognition data for identifying the type of the object data as included on a recording medium.

While the Examiner asserts that Lida discloses a recognition logic for identifying the specific type of the separated object data by using the recognition data at col. 5, lines 45-50, applicants disagree. The text at col. 5, line 45-50 states that it is preferable that Lida's information storing unit is a program storing unit, and the plurality of information are a plurality of program information which includes information regarding a plurality of programs, an index and a copyright. This is not equivalent of a recognition logic for identifying the specific type of the separated object data by using the recognition data. Moreover, while the Examiner asserts

that the voice recognition method, and voice data it processes is equivalent to applicants' claimed recognition data, the Lida text at col. 5, lines 45-50 does not refer at all to Lida's voice data or Lida's voice recognition method.

While the Examiner states that Lida at col. 5, lines 60-65 teach applicants' claimed accounting logic for dynamically charging for the use of separated object data based on the type of separated object data, as determined by the recognition data, and using the charging data read from the recording medium, applicants again disagree. The cited text indicates two steps: 1) entering designated information by a customer identified as and 2) reading information associated with the designated information by retrieving a database including information relating to the designated information. This appears more of a user data input, where based on designated information input by the user, and recognized by the Lida process, other related information is retrieved. This, however, is not equivalent to applicants' claimed accounting logic for dynamically charging.
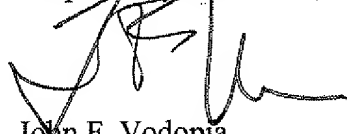
Because Lida does not disclose, teach or suggest an IC card including a recording medium for recording (i) charging data for paying for said object data and (ii) recognition data for identifying the type of the object data, Lida cannot be said to disclose, teach or suggest applicants' invention as set forth in independent claims 1, 3, 10 and 13. Because of the above-discussed differences between claims 1, 3, 10 and 13 and Lida, and because of the advantages associated with these differences, claims 1, 3, 10 and 13 patentably distinguish over Lida and are allowable. Claims 21, 24 and 25 are dependent from, and are allowable with, claim 1; and claims 4-8 are dependent from claim 3 and are allowable therewith. Also, claims 11, 12, 22 and 23 are dependent form claim 10 and are allowable therewith; and claims 14-16 are dependent

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from, and are allowable with, claim 13.

The other references of record have been reviewed, and these other references, whether considered individually or in combination, also to not disclose or suggest the use of this IC card as described in Claims 1, 3, 10 and 13. The Examiner is, accordingly, respectfully asked to reconsider and to withdraw the final rejection of claims 1, 3-8, 10-16 and 20-25 under 35 U.S.C. 103(a) in view of Lida, and to allow these claims.

If the Examiner believes that a telephone conference with applicants' attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully Submitted,

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